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BNA DAILY ENVIRONMENT REPORT ARTICLES

[Alleged Scientific Misconduct Allowed in Roundup Cancer Trials \(1\)](#)

By Adam Allington

Posted Jan. 30, 2019, 4:11 PM Updated Jan. 30, 2019, 5:16 PM

A federal court in California will allow disputed evidence relevant to hundreds of lawsuits over Monsanto's Roundup herbicide.

INSIDEEPA.COM ARTICLES

Wheeler's Minimal Answers To Senators Offer Few Hints On EPA's Plans

Acting EPA Administrator Andrew Wheeler's answers to environment panel senators' questions ahead of his confirmation vote adopt a minimal approach offering few hints on EPA's pending regulatory agenda, evading specific responses or commitments on a host of major policies including rollbacks of Obama-era rules.

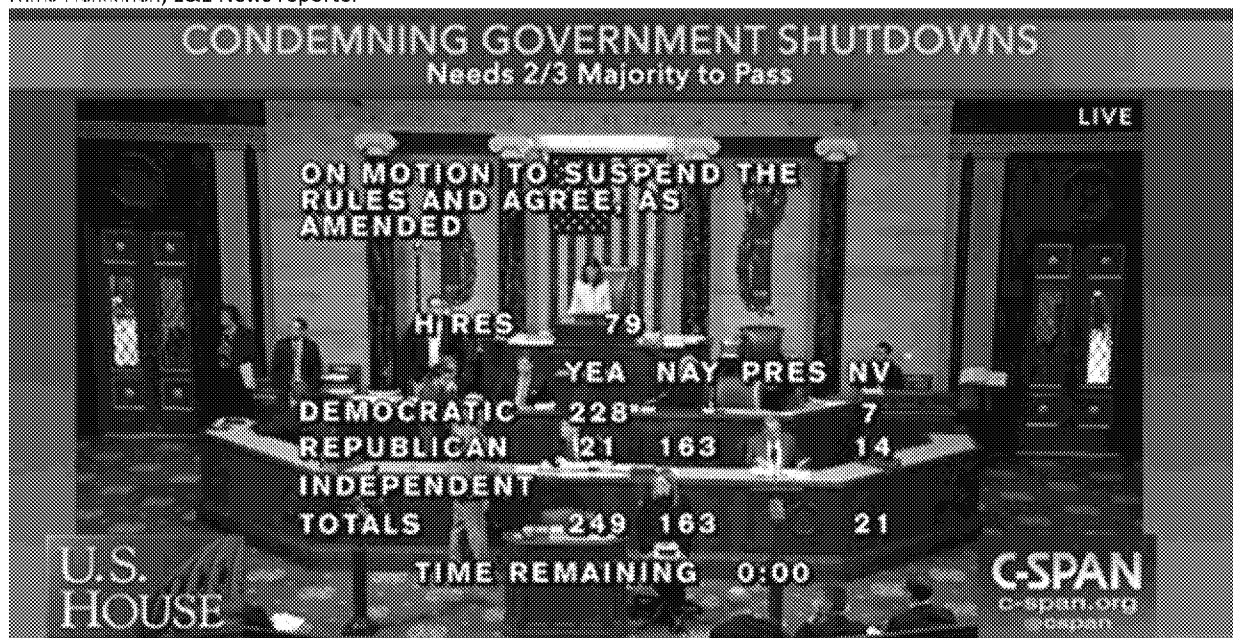
EPA Faces New State Pressure To Tighten Assessment Of PFAS Risks

EPA is facing pressure from states and water utilities to tighten its assessment of the risks posed by a pair of per- and polyfluoroalkyl substances (PFAS) substances, known as GenX and PFBS, intensifying pressure on the agency to step up its oversight of the broad class of chemicals in part as a way to harmonize state standards.

GREENWIRE ARTICLES

House passes bill to boost salaries 2.6%

Niina Heikkinen, E&E News reporter



Published: Wednesday, January 30, 2019

The House this afternoon approved legislation to give federal workers a pay raise. C-SPAN

The House passed legislation this afternoon that would give federal civilian employees a 2.6 percent pay raise for 2019.

The increase would match a raise President Trump approved for members of the military for this year and would end a pay freeze he set for the civilian workforce.

H.R. 790's sponsors called the proposed raise a "modest increase." They also urged members of Congress to boost federal salaries in light of the 35-day partial shutdown that forced some federal workers to go without two paychecks and go to food pantries and seek emergency loans to cover bills.

"Right now, we are talking about the building of people and making their lives the best they can be. This is no dress rehearsal; this is their life," said House Oversight and Reform Chairman Elijah Cummings (D-Md.), a co-sponsor of the bill.

House Majority Leader Steny Hoyer (D-Md.) said the bill would help to give federal employees a stable level of purchasing power, though it still fell short of making pay competitive with the private sector. He noted that Congress has a history of maintaining pay parity between federal workers and members of the military.

Federal civilian workers "are no less deserving of our gratitude and fair compensation," Hoyer said.

H.R. 790 passed the House 259-161, with 29 Republicans voting in favor.

The House adopted clarifying amendments that would extend the pay increase to employees in the Secret Service, the IRS and NASA.

'Messaging bill'

Some Republicans raised objections that the bill had not first gone through committee and a markup before heading to a floor vote.

"We are putting forth a messaging bill that quite frankly has not been vetted," said Rep. Mark Meadows (R-N.C.) on the House floor today.

He noted that the Congressional Budget Office estimated the bill would cost around \$5.5 billion per year. Instead, Meadows made a pitch for a federal worker pay reform that would encourage merit-based pay raises.

Rep. Susan Brooks (R-Ind.) also sought unsuccessfully to recommit the bill to the House Oversight Committee to add an amendment that would prevent federal employees disciplined for sexual misconduct from receiving the raise.

The 35-day government shutdown put a sharper focus on concerns about federal workforce salaries that predate the most recent lapse in federal funding.

Rep. Gerry Connolly (D-Va.), a bill co-sponsor, noted that over the past 10 years, federal workers have contributed nearly \$200 billion in deficit reductions through cut salaries and benefits, and have faced hiring freezes and three pay freezes.

In nine out of the past 10 years, the raises did not match the raises called for in statute, and in eight of the past 10 years, the raise did not keep up with the rising cost of living.

He said the current bill's 2.6 percent pay raise is only slightly higher than the 2.1 percent increase currently recommended under statute.

Connolly also pointed out that the pay rate is not only hurting the current workforce, but also making it more difficult to attract young workers to embark on public service careers.

"How will we recruit their replacements? How do you go to a campus today and say, 'I see a 30-year federal career in your future'?" he said.

District of Columbia Del. Eleanor Holmes Norton (D), another co-sponsor of the bill, described it as particularly unconscionable to follow the "Trump shutdown" with a "Trump pay freeze."

"This does not begin to make up for the long-overdue pay raise our workers are overdue. It does not make up for the puny raises, sometimes 1 percent, sometimes no raise at all, that our federal workers have had to bear. It certainly does not make up for 35 days of no pay for the longest shutdown in American history," Norton said.

In the Senate

Senate Democrats proposed a companion bill yesterday also aimed at bumping up federal salaries by 2.6 percent.

S. 262, sponsored by Sen. Chris Van Hollen of Maryland, would increase salaries for certain federal workers and is co-sponsored by several senators, including Democratic Sens. Ben Cardin of Maryland and Tim Kaine and Mark Warner of Virginia.

The bill surpasses a 1.9 percent raise to federal workers approved by the Senate last year, which failed to pass the Republican-controlled House.

"Now more than ever, [federal workers] deserve this cost-of-living adjustment to help make ends meet," said Van Hollen. "I was proud to work with my colleagues on both sides of the aisle to pass a 1.9 percent pay raise in the Senate prior to the government shutdown, and in light of the added costs imposed on federal workers by the shutdown, I urge my colleagues to support this modest 2.6 percent raise."

National Treasury Employees Union President Tony Reardon praised the House passage of the pay raise bill, calling it overdue. NTEU represents 150,000 employees at 33 federal agencies and departments.

"Today, the House soundly rejected the president's pay freeze, provided parity with the military and helped federal employees keep up with the rising costs of health care, housing and other daily living expenses," Reardon said in a statement.

<https://www.eenews.net/eenewspm/2019/01/30/stories/1060119037>

Lawmakers hopeful they can avert another shutdown

George Cahlink, E&E News reporter



Published: Thursday, January 31, 2019

(Left to right) House Appropriations ranking member Kay Granger (R-Texas), Chairwoman Nita Lowey (D-N.Y.) and Rep. Lucille Roybal-Allard (D-Calif.) during yesterday's conference committee meeting on homeland security spending. Bill Clark/CQ Roll Call/Newscom

Congressional negotiators are cautiously optimistic that they will reach a deal on border security and new funding for other federal agencies, including EPA and the Interior Department, and avert another government shutdown next month.

Top appropriators yesterday held their first conference talks over the border security and agency funding package since the 35-day federal shutdown ended last week. The 17 lawmakers need a deal by Feb. 15, when current stopgap spending legislation expires.

"Except for Homeland Security, we are very close to agreement on the six appropriations bills. While we have some differences on disaster and relief and recovery. I believe we can come to a speedy agreement there, as well," said House Appropriations Chairwoman Nita Lowey (D-N.Y.), who added that she was "cautiously optimistic" after the meeting.

Congress has passed six of the 12 annual fiscal 2019 spending bills, leaving other agencies operating under a series of stopgap funding bills since Oct. 1, 2018. Among the six unfinished bills are the Interior-EPA, Commerce-Justice-Science, Transportation-Housing and Urban Development, and State-Foreign Operations funding measures.

"I think the six are pretty much settled on. Could someone open them up in a conference? I guess, but I hope they are basically done," said Senate Appropriations Chairman Richard Shelby (R-Ala.), who called yesterday's kickoff talks a "good start."

Late last year, House and Senate appropriators negotiated the six bills but did not formally advance them due to the impasse over border funding. Both parties say they are the versions expected in the package.

The Interior-EPA title would provide \$300 million above current funding levels, giving EPA \$8.8 billion and Interior \$13 billion. It does not contain new policy riders but would maintain current policies that count biomass as carbon neutral and exempt certain agriculture practices from the Clean Water Act.

With the other bills largely settled, lawmakers devoted most of the first conference meeting to discussing Homeland Security spending. There were no signs, however, that the gulf between the parties had narrowed.

Rep. Lucille Roybal-Allard (D-Calif.), chairwoman of the House Homeland Security Appropriations Subcommittee, said she would soon release a public draft of the Democrats' Homeland Security proposal, which would not contain any funding for building a border wall.

Instead, she said, it would focus on hiring more customs officers and expanding the use of technologies to improve border security.

Roybal-Allard also said the request would fully fund a new icebreaker for the Coast Guard, the first for the maritime service since the 1970s. She said the Coast Guard cutter could not be funded if the White House does not relent on its push for \$5.7 billion in border funding.

Senate Republicans did not offer a specific proposal, but several called for a combination of physical barriers, more security personnel and expanded technology. The GOP's starting point appears to be the \$5.7 billion sought by the White House, which emphasizes physical construction of a wall.

President Trump has downplayed the prospect of a deal, saying it has less than a 50-50 chance, and warned he would use emergency powers to build a wall if Congress does not provide funding.

Other conferees offered other topics for the negotiations and more novel approaches to border security.

Sen. Roy Blunt (R-Mo.) suggested expanding the talks to cover budget caps that are due to hit in 2020 and 2021, forcing automatic cuts of 11 percent in defense spending and 9 percent to domestic accounts.

He said the cuts are opposed by both parties and finding ways to ease them could help spur a deal on Homeland Security.

Rep. Henry Cuellar (D-Texas), who represents a border district, said rather than building barriers he wants to cut much of the cane, which he called an "evasive species," growing along the border.

He said smugglers and illegal immigrants frequently hide in the stalks that can grow 20 feet high and that eliminating them would make it easier for U.S. Border Patrol agents to spot them.

While conferees largely sounded a positive tone, there was less comity on the House floor yesterday.

Largely along party lines, the House backed a bill that would give federal workers a 2.6 percent pay raise this year — matching the increase already marked for military personnel.

House Republicans opposed the bill, saying they had not had enough time to review it and noting federal workers were already expected to get a 1.9 percent pay raise.

Also, the chamber failed to pass a nonbinding resolution that would have condemned the use of shutdowns as a negotiating tactic. Republicans balked at the measure that they say cast blame on the White House.

While it had the support of Democrats, the resolution could not gain the two-thirds majority to pass the House on the suspension calendar.

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CHEMICAL WATCH ARTICLES

Vermont considering changes to children's products rule

State looks to expand reportable substances list, modify reporting frequency

31 January 2019 / Children's products, Substances of concern, United States



Vermont is considering changes to its children's products reporting scheme, including expanding the list of reportable substances and establishing a process by which a chemical might be banned from products.

The state's Chemicals of High Concern in Children's Products Rule — like similar schemes in Washington, Oregon and Maine — requires companies to disclose information biennially about products containing any of 66 substances of concern to the Vermont Department of Health.

Last week, the department notified stakeholders of a proposal, issued last autumn, to expand the list of reportable substances to include substances Washington added to its scheme in late 2017.

Unlike in Washington, though, Vermont is also seeking to add lead, and require reporting of "any chemical that is added [to a product] for a specific function (not a contaminant), which degrades to or releases" a listed chemical. And it has not called for the removal from its list of three substances that Washington deleted:

- phthalic anhydride;
- octamethylcyclotetrasiloxane (D4); and
- molybdenum.

These changes would bring the state's list of reportable substances to 86.

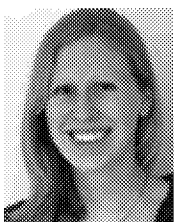
The proposal also aims to establish a process under which the Commissioner can adopt a rule to regulate the sale or distribution of a children's product, when "there is a probability" that exposure to a chemical of concern in it could cause, or contribute to certain adverse health impacts. Creation of such a mechanism was called for in Act 188 – the 2014 law which authorised the programme.

Another significant amendment under consideration is to require only post-market reporting. Industry has said such a change is needed to ensure manufacturers do not need to continually report as new products are launched. However, concerns have been raised that such a change could result in products being on the market for as long as two years before consumers could determine what substances of concern they contain.

Meanwhile, the state is also looking to make clarifying changes around the unique – and controversial – requirement to report at a product-specific level.

In the programme's first reporting period, it received more than a million reports. But consumer advocacy groups raised concern at the time that the use of product codes (UPCs) made it difficult for consumers to have a "meaningful way of getting the specific information they need" from the data.

Comments on the proposal will be accepted until 8 February. A public hearing is scheduled for 1 February.



Kelly Franklin
North America editor

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Congressional Democrats turn up the heat on the EPA

31 January 2019 / TSCA, United States



As the EPA reopens after being shuttered for four weeks, Democratic legislators have wasted no time in renewing pressure on the agency.

And the focus of their scrutiny continues to fall on per- and polyfluoroalkyl substances (PFASs), after acting administrator Andrew Wheeler signalled in his recent confirmation hearing that he was unlikely to set an enforceable drinking water standard on the controversial class.

Answers sought on delayed PFAS study

This week, leaders of the House Energy and Commerce Committee reiterated a months-old request for more information on the delayed release of an Agency for Toxic Substances and Disease Registry (ATSDR) study on PFAS.

The study, ultimately released in June 2018, was the subject of significant controversy last year after internal documents surfaced suggesting that the EPA and White House were working to slow its publication.

And House Democrats – including Representatives Frank Pallone (D–New Jersey), Diana DeGette (D–Colorado) and Paul Tonko (D–New York) – said this week they are "deeply concerned that these actions appear to indicate that politics, and potentially industry interests, are being placed before public health, particularly in light of reports that EPA has decided to not set a drinking water limit for several toxic chemicals."

The lawmakers have requested that the EPA respond to its original May 2018 information requests by 12 February.

Wheeler responds to EPW

Meanwhile, the Senate Committee on Environment and Public Works (EPW) top Democrat Tom Carper (D–Delaware) highlighted the lack of action on PFASs as one of several areas of concern amplified by Mr Wheeler's responses to questions raised by the EPW during his nomination hearing.

The written answers were released to the public by Mr Carper's office this week, and address several queries related to the class of substances, including the extent to which the EPA will be evaluating state actions and the ATSDR study in its regulatory process.

Mr Wheeler described the study – which floated minimum risk levels (MRLs) for four PFAS chemicals that are lower than EPA's recommended limits for PFOA and PFOS – as "an important step in the process for establishing a national primary drinking water evaluation".

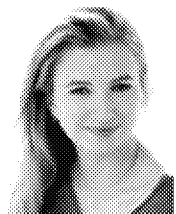
"As a part of the evaluation, the EPA will continue to carefully review the draft ATSDR toxicological profile and will consider all newly available scientific information, including the science used to develop state standards," he added.

Mr Wheeler's statements also included:

- a commitment to make public the results of a National Academy of Sciences (NAS) review of the agency's methodology for collecting information on general chemical safety, as reflected in a letter he sent to the EPW in January 2019;
- a description of how the partial government shutdown has delayed the agency's continued study of PFASs; and
- and an assurance that a final rule on methylene chloride paint strippers is in interagency review.

Nevertheless, the Democrat's concerns persist.

"I urge my colleagues to join me in urging Mr Wheeler to reverse course on these misguided proposals and restore public confidence in EPA's critical mission," Mr Carper wrote.



Lisa Martine Jenkins
Americas reporter

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- [EPA promises changes to TSCA new chemicals transparency, CBI](#)
- [US EPA moves to finalise methylene chloride paint stripper rule](#)

Taiwan Pec registration delayed until 2020

Change in government means process will begin six months later than expected

31 January 2019 / Priority substances, Substance registration, Taiwan, TCSCA



Taiwan's Toxic and Chemical Substance Bureau (TCSB) plans to delay the start of standard registration for 106 priority existing chemicals (Pecs) until 1 January 2020, according to a TCSB official. It was previously scheduled for 1 July this year.

The delay is a consequence of the long-awaited draft revisions to the Regulation of New and Existing Chemical Substance Registration, which has also been held up. The Regulation creates the Pec registration rules.

"We must give manufacturers and importers a buffer period of at least six months, so we decided that the most convenient date to begin Pecs registration would be 1 January 2020," said Hsu Chung-hao, section chief in the TCSB's evaluation management division.

Mr Hsu told Chemical Watch that these revisions "may be enacted as soon as the end of February or by the end of March at the latest".

Last November, the TCSB anticipated the revised regulation would be promulgated by the end of the year. But this was delayed by the resignation of Democratic Progressive Party (DPP) premier Lai Ching-te and his cabinet, after major setbacks in last November's local elections.

In line with Article 17 of the rules, companies manufacturing or importing any substance from the Pecs list will be required to complete standard registrations:

- for annual volumes of 100 tonnes or above, by the end of 2022; or
- for annual volumes of 1-100 tonnes, by the end of 2023.

More details available on CW+AsiaHub

Dennis Engbarth in Taipei City

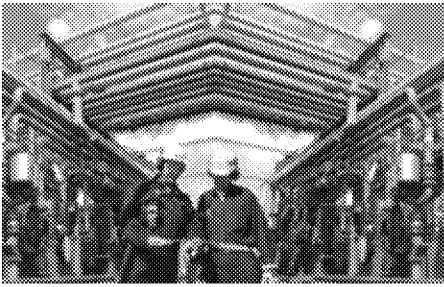
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South Korea promulgates major Osha amendment

SDSs/CBI public disclosure requirement removed

31 January 2019 / Confidentiality & right-to-know, OSHA, South Korea



South Korea has promulgated a major amendment to its Occupational Safety and Health Act (Osha). The changes, which came into force on 15 January, were announced in February last year and passed by parliament on 27 December.

The amendment has been particularly controversial because it requires companies to disclose information on safety data sheets (SDSs), including information on substances subject to confidential business information (CBI).

The changes, which will apply from 16 January 2021, will mean companies still have to submit copies of SDSs to the Ministry of Employment and Labour (MoEL), as well as along the supply chain. However the amendment removes the requirement for such information – including some CBI – to potentially be made public. This change came as a result of parliamentary review.

And the new rules say that even where a company has applied, and has approval, for CBI protection, it must still supply an alternative name and contents that give enough information to protect workers from the risk of exposure to hazardous substances.

Other major changes, that will take effect from 16 January 2020, include increased penalties for health and safety violations and prohibition of outsourcing high risk work.

The maximum fine for worker deaths in criminal prosecutions has increased from \$90,000 to \$900,000. The maximum prison sentence remains at seven years.

More details available on [CW+AsiaHub](#)



Sunny Lee
Asia editor

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Further Information:

Sweden sets strategic priorities for non-toxic goals

In-depth evaluation report reveals focal areas

31 January 2019 / Data, Green chemistry, Substances of concern, Sweden



The Swedish chemicals agency has identified priorities needed to help the country meet its goals for a non-toxic environment.

Last year Kemi said the 2020 national target will not be achieved "by the measures and instruments already in place".

Now, in a just released report submitted to the country's EPA as part of its evaluation of environmental goals every four years, the agency has set three strategic development areas.

The first is on better knowledge and information. It says that information should be more accessible on the chemical content of goods, especially concerning low-volume substances and nanomaterials in the EU. Here and on the international stage requirements "must be strengthened", the agency said. Additionally, decisions need to be taken based on the precautionary principle to prevent damage of hazardous substances.

Another priority is eliminating substances of concern from the beginning of the product cycle. Research is needed, Kemi said, on innovative approaches to substances, materials and goods that can be included in non-toxic and resource efficient cycles. Existing material flows need to be "detoxified", it added.

"The use of particularly hazardous substances needs to cease and globally binding agreements are needed" to phase them out – notably for perfluoroalkyl and polyfluoroalkyl substances (PFASs) and endocrine disruptors.

The third priority is effective legislation and supervision to ensure a high level of protection. Legislation in the EU needs to be applied and developed "more quickly" to identify and address potential chemical threats, Kemi said.

The EU should provide a high level of protection based on the needs of children and other sensitive groups, take into account combination effects and as far as possible regulate chemicals in groups. The EU should also bolster its supervision of rapidly increasing imports from countries with less developed chemicals policies, Kemi said.

Pre-requisites

Sweden had originally established six prerequisites for reducing toxins from the environment by 2020. In its report, Kemi explains the reasons why they have not been met:

- total exposure to chemical substances: although basic legislation has been introduced to reduce exposure to hazardous substances, "important components" are still missing. A major stumbling block for controlling chemicals is growing e-commerce and increased production from more lax regimes outside the EU that feeds demand;
- use of particularly hazardous substances: measures to curb this, such as REACH authorisation, face "limitations" and "extensive" measures are needed to achieve sufficient protection for human health in the long term;
- knowledge of chemical and environmental properties: for many substances knowledge on distribution, exposure and effects is "still lacking". This is "especially true" for low-volume substances, nanomaterials and combination effects;
- information on hazardous substances in articles: this is "still very much inadequate". Many goods are manufactured outside the EU, which makes the information flow "more difficult";
- polluted areas: contaminated sites must be addressed sooner, requiring more effective supervisory work, government support and the development of innovative technologies;
- post-2020 development: it is "not possible" to make a clear forecast for a non-toxic environment after 2020 because of the vast number of substances and missing information about their use and exposure. "Current instruments provide the conditions for managing chemical production within the EU, but more efforts are needed to tackle issues generated by growing globalised production."

The EU's non-toxic environment strategy, which was due by the end of 2018, has been postponed until the new European Commission takes office in late October.

Under the 7th Environment Action Programme, which steers the bloc's policies until 2020, the Commission is legally obliged to release its strategy this year on how it will eliminate toxic substances from the environment.



Luke Buxton
EMEA desk editor

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- EU delays non-toxic strategy until new Commission takes helm

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